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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/808,015
Filing Date: March 24, 2004
Appellant(s): JOHNSON, DAN SCOTT

Dan Scott Johnson
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 26 October 2009 appealing from the
Office action mailed 09 July 2009.

1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6202211	Williams, Jr.	03-2001
20030048757	Accarie, Jean-Paul et al.	03-2003
20040049797	Salmonsens, Daniel R.	03-2004
20020056118	Hunter, Charles Eric et al.	05-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 4, 13, 19, 23, 28, 29, 31, 32, and 34 rejected under 35 U.S.C. 103(a) as being unpatentable over Williams, Jr. (US 6202211 B1) and Accarie et al. (US 2003/0048757 A1) in view of Salmonsens (US 2004/0049797 A1).

As to claim 1 and 28, Williams discloses an audio/video (A/V) component networking system, comprising (see Williams, fig. 4):
a plurality of source components, each source component adapted to provide A/V program data (see Williams, fig. 3, col. 5, ||.34-39, mass storage within server, receiving from remote systems within another network, see col. 6, ||.7-11, and the cable system (fig. 5) into a number of tuners (see col. 1, ||.60-64), fig. 4 and 5 shows a stereo, television, cable box as plurality of sources);
and a sink component communicatively coupled to a presentation device (see Williams, fig. 4, STB is a sink between the storage of server and presentation

device, such as a TV), the sink component adapted to receive AN program data from at least one of the plurality of source components and transmit the AN program data to the presentation device (see Williams, col. 6, ||.43-49, see Williams, col. 6, ||.43-53, IR link for remote control of cable box used for STB), and wherein the sink component is configured to present to a user a filtered aggregated listing of the A/V program data available from each of the plurality of source components based on a type of the presentation (see Williams, col. 6, ||.43-54, if cable box is set correctly (controlled by STB) cable converter box output streams to TV via STB control, Williams Jr. suggest this with control of the A/V display and display on a presentation device (see Williams Jr. col. 6, ||.43-54, see Williams, col. 6, ||.43-53, IR link for remote control of cable box used for STB). Accarie teaches it (see Accarie, [447]), all commands (a menu interface) are extracted and displayed on a screen so as consultable by the user when a user selects a terminal of the network (see Accarie, [441] and fig. 7, (In fact, "selecting the appropriate mode" (see Williams Jr., col. 6, ||.43-54) shows enablement to control a menu interface. The channel setting (an inherent menu manipulation) is controlled by the STB, which shows enablement of a user to control a menu interface. Williams teaches control of data, but is unclear on control of menu interface from the source component; Accarie, who discloses a network communication system does teach control of menu interface of the source component for display on the presentation device (see Accarie, [0395-0447], all stored commands (a menu) of a local terminal (a source) is displayed

on a screen for user selection (displayed on presentation device, [0447])).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Williams with the system of Accarie to allow the user the convenience of accessing the menu of control functions of a remote source component (see Accarie, [0453]).

The references of Williams and Accarie are unclear on a listing of program data based on type of the presentation device; however, Salmonsén, who discloses network interfacing, does teach this (see Salmonsén, [147-148] presents a playlist based on type of presentation device (with said list being aggregated and filtered-as by file type), and [0105], a media renderer (sink) controls the streaming of VOB files from the source to the display (presentation device, see control signals (fig. 3) from media source to renderer to video display to show control menus for subtitles and languages));

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Williams and Accarie with the system of Salmonsén so that the user could make selections from a dynamic menu display presented by the sink unit (see Salmonsén, [0054]).

As to claim 13, Williams discloses an audio/video networking method, comprising (see Williams, fig. 4 and col. 3, ||.20-60): remotely accessing, via a sink component, a centralized storage system having a plurality of source components, each source component adapted to provide A/V program data (see

Williams, fig. 3, col. 5, §§.34-39, mass storage within server, receiving from remote systems within another network, see col. 6, §§.7-11, and the cable system (fig. 5) into a number of tuners (see col. 1, §§.60-64)); transmitting, via the sink component, A/V program data from at least one of the source components to a presentation device (see Williams, col. 6, §§.43-49); and

Williams teaches control of data, but is unclear on control of menu interface from the source component; Accarie, who discloses a network communication system does teach control of menu interface of the source component for display on the presentation device (see Accarie, [0395-0447], all stored commands (a menu) of a local terminal (a source) is displayed on a screen for user selection (displayed on presentation device, [0447]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Williams with the system of Accarie to allow the user the convenience of accessing the menu of control functions of a remote source component (see Accarie, [0453], see Williams, col. 6, §§. 43-54, if cable box is set correctly (controlled by STB) cable converter box output streams to TV

via STB control, see Williams, col. 6, §§.43-53, IR link for remote control of cable box used for STB). The references of Williams and Accarie is unclear on a listing of program data based on type of the presentation device; however, Salmonsens, who discloses network interfacing, does teach this (see Salmonsens, [147-148] presents a playlist based on type of presentation device (with said list being aggregated and filtered-as by file type), [0105], a media renderer (sink) controls

the streaming of VOB files from the source to the display (presentation device, see control signals (fig. 3) from media source to renderer to video display to show control menus for subtitles and languages)).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Williams and Accarie with the system of Salmonsens so that the user could make selections from a dynamic menu display presented by the sink unit (see Salmonsens, [0054]).

As to claim 23, Williams discloses an audio/video (A/V) component networking system, comprising (see Williams, fig. 4 and col. 3, ||.20-60): means for remotely accessing, via a sink component, a plurality of source components, each source component adapted to provide A/V program data (see Williams, fig. 3, col. 5, ||.34-39, mass storage within server, receiving from remote systems within another network, see col. 6, ||.7-11, and the cable system (fig. 5) into a number of tuners (see col. 1, ||.60-64), see wire means between server (storage) and STB (sink) in fig. 4); means, via the sink component, for transmitting A/V program data from at least one of the source components to a presentation device (see Williams, col. 6, ||.43-49, see coaxial out (means) to TV in fig. 4); and Williams teaches control of data, but is unclear on control of menu interface from the source component; Accarie, who discloses a network communication system does teach control of menu interface of the source component for display on the presentation device (see Accarie, [0395-0447], all stored commands (a menu) of

a local terminal (a source) is displayed on a screen for user selection (displayed on presentation device, [0447]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Williams with the system of Accarie to allow the user the convenience of accessing the menu of control functions of a remote source component (see Accarie, [0453]). The references of Williams and Accarie is unclear on a listing of program data based on type of the presentation device; however, Salmonsén, who discloses network interfacing, does teach this (see Salmonsén, [147-148] presents a playlist based on type of presentation device (with said list being aggregated and filtered-as by file type), [0105], a media renderer (sink) controls the streaming of VOB files from the source to the display (presentation device, see control signals (fig. 3) from media source to renderer to video display to show control menus for subtitles and languages)). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Williams and Accarie with the system of Salmonsén so that the user could make selections from a dynamic menu display presented by the sink unit (see Salmonsén, [0054]).

As to claim 4, Williams, Accarie and Salmonsén (as combined in claim 1) disclose the system of claim 1, wherein at least one of the source components is selected from the group consisting of a satellite receiver source component, a digital versatile disk (DVD) source component, a compact disc (CD) source

component, a computer, and a cable source component (see Williams, fig. 5 and col. 5, ||.35-45, cable source component).

As to claim 19, Williams, Accarie and Salmonsens (as combined in claim 1) disclose the method of claim 13, wherein accessing the centralized storage system comprises accessing at least one of a group consisting of a satellite receiver source component, a digital versatile disk (DVD) source component, a compact disc (CD) source component (28), a computer, and a cable source component residing on the centralized storage system (see Williams, fig. 5, cable source stored via storage system).

As for claim 29, 31, 32, and 34, Williams, Accarie and Salmonsens (as combined) disclose the system of claim 1, In particular Williams discloses applying a filtering criterion based on the type of plural presentation devices to insert in the filtered aggregated listing those A/V programs that are presentable instead of the ones that are not presentable (see Williams, col. 17, ||.39-65).

Claim 2, 3, 5, 6, 7, 11, 12, 14-18, 25-27, 30, 33, 35 rejected under 35 U.S.C. 103(a) as being unpatentable over Williams, Jr. (US 6202211 B1) and Accarie et al. (US 2003/0048757A1) in view of Salmonsens (US2004/0049797 A1) in view of Hunter et al. (US2002/0056118 A1).

As to claim 2, 30, 33, and 35 Williams, Accarie and Salmonsens (as combined) disclose the system of claim 1, the references of Williams, Accarie and Salmonsens are unclear on wherein the sink component is adapted to decode the A/V program data; however, Hunter, who discloses an audio-video distribution system, does teach this (see Hunter, [0065] decoder is part of user station, a STB [0037]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Williams, Accarie and Salmonsens with the system of Hunter adding intelligence to the STB or user station and allowing for a simpler network fabric (see Hunter, [0065]).

As to claim 3, Williams, Accarie and Salmonsens (as combined) disclose the system of claim 1, the references of Williams, Accarie and Salmonsens are unclear on wherein the sink component is adapted to transmit the A/V program data to the presentation device in real-time (see Hunter, [0162] proprietary real-time decoding may occur for playback rather than storage on content received by the STB (sink)). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Williams and Accarie with the system of Hunter so that a user may review his selected A/V program without delay after the selection process, making for a more responsive entertainment system (see Hunter, [0162]).

As to claim 5, Williams, Accarie and Salmonsén (as combined) disclose the system of claim 1, the references of Williams, Accarie and Salmonsén are unclear on wherein the sink component is adapted to perform a registration operation to register at least one of the plurality of source components with the sink component; however, Hunter does teach this (see Hunter, [0154] the stored media (one of a number of source components) is registered for presentation, for billing purposes by the STB [0149-150]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Williams and Accarie with the system of Hunter allowing the recognition of the storage system so that said system may be replaced with a different system and the storage capacity of the network would be unaffected (see Hunter, [0154]).

As to claim 6, Williams, Accarie and Salmonsén (as combined) disclose the system of claim 1, the references of Williams, Accarie and Salmonsén are unclear on wherein the sink component is adapted to perform a registration operation to register at least one available type of communication network for communicating with at least one of the plurality of source components; however, Hunter does teach this (see Hunter, [0156] the sink as part of the digital network will register the communication network or define and accept as the network to access storage to a central controller, which will store user information, which

communicates with a source component for data storage and/or retrieval).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Williams, Accarie and Salmonsens with the system of Hunter allowing the entertainment system to recognize and successfully use different communication networks so that the system can be implemented in various settings, adding to its marketability.

As to claim 7, Williams, Accarie and Salmonsens (as combined) disclose the system of claim 1, the references of Williams, Accarie and Salmonsens are unclear on wherein the sink component is adapted to perform a registration operation to register a format of the A/V program data available from each of the plurality of source components; however, Hunter does teach this (see Hunter, [0163-0165], the sink registers the format of a CD or another type of storage media for playback). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Williams, Accarie and Salmonsens with the system of Hunter in order for program format to be variable from the content sources, making for a more robust entertainment system (see Hunter, [0164]).

As to claim 11, Williams, Accarie and Salmonsens (as combined) disclose the system of claim 1 the references of Williams, Accarie and Salmonsens are

unclear on wherein the sink component is adapted to perform a registration operation to register the presentation device with the sink component; however, Hunter does teach this (see Hunter, [0142] through communication with the on-screen GUI (of the presentation device) the user station, sink, realizes information about the user preferences for display on the presentation device, hence registers the device).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Williams, Accarie and Salmonsens with the system of Hunter in order to allow the system to correctly recognize the device data is sent to for display therefore no delay in user interaction with the data occurs (see Hunter, [0142]).

As to claim 12, Williams, Accarie and Salmonsens (as combined) disclose the system of claim 1, the references of Williams, Accarie and Salmonsens are unclear on wherein at least two of the plurality of source components comprise the same type of source component; however, Hunter does teach this (see Hunter, [0160] multiple CD or DVD players may be included in the network, including the one at the set-top box).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Williams, Accarie and Salmonsens with the system of Hunter in order to allow the user to enjoy a variety of source content from a similar medium, say a compact disk (see Hunter,

[0160]).

As to claim 15, Williams, Accarie and Salmonsén (as combined) disclose the method of claim 13, the references of Williams, Accarie and Salmonsén are unclear on further comprising performing a registration operation to register each of the plurality of source components with the sink component; however, Hunter does teach this (see Hunter, [0163-0165], the sink registers the CD or another type of media player for playback).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Williams, Accarie and Salmonsén with the system of Hunter in order to recognize multiple sources of programming data allowing the end user variety in his entertainment choice (see Hunter, [0164]).

As to claim 27, Williams, Accarie and Salmonsén (as combined) disclose the system of claim 23, the references of Williams, Accarie and Salmonsén are unclear on further comprising means for registering each of the plurality of source components, Hunter does teach this (see Hunter, [0163-0165], the sink registers the CD or another type of media player for playback).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Williams, Accarie and Salmonsén with the system of Hunter in order to recognize multiple sources of

programming data allowing the end user variety in his entertainment choice (see Hunter, [0164]).

As to claims 14 and 26, they are analyzed similar to claim 5.

As to claims 17 and 25, they are analyzed similar to claim 2.

As to claims 16 and 18, they are analyzed similar to claims 7 and 6, respectively.

(10) Response to Argument

In response to appellant's arguments the examiner respectfully disagrees that the rejection should be reversed. Only those arguments raised by the appellant pursuant to the particular issues on appeal have been considered and addressed by the examiner. Should the panel find that the examiner's position/arguments or any aspect of the rejection is not sufficiently clear or a particular issue is of need of further explanation, it is respectfully requested that the case be remanded to the examiner for further explanation prior to the rendering of a decision. See 37 CFR 41.40(a)(1).

Ground of Rejection A

1. Claims 1, 4, 28.

On Page 7 of the Appeal Brief the Appellant argues that the combination of Williams, Accarie et al., and Salmonsens would not teach the claimed subject matter and furthermore states the Supreme Court's decision to identify a reason that would have prompted a person of ordinary skill in the art to combine the reference teachings in the manner that the claimed invention does. In response, the Examiner maintains that the

combination of Williams, Accarie et al., and Salmonsens yields predictable results because they are in the same field of endeavor and the devices used would perform the same function in any system.

Williams teaches an audio/video (A/V) component networking system in Figure 4 that comprises a plurality of source components where each source component is adapted to provide A/V program data. Williams also shows a sink component (Set top box) configured to be communicatively coupled to a presentation device (TV). Furthermore, in Column 6 lines 43-49, Williams shows a sink component adapted to receive A/V program data from at least one of the plurality of source components and transmit the received A/V program data to the presentation device.

Williams teaches control of data, but is unclear on control of menu interface from the source component; Accarie, who discloses a network communication system does teach control of menu interface of the source component for display on the presentation device (see Accarie, [Paragraphs 0395- 0447], all stored commands (a menu) of a local terminal (a source) is displayed on a screen for user selection (displayed on presentation device, [Paragraph 0447])). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Williams with the system of Accarie to allow the user the convenience of accessing the menu of control functions of a remote source component (see Accarie, [Paragraph 0453]). The combination of Williams and Accarie is unclear on presenting to a user a filtered aggregated listing of the A/V program data available from each of the plurality of source components based on a type of the presentation device. Reference is made to

Figure 9 of Salmonsens in regards to presenting to the user on a display device a filtered aggregated listing of the A/V program data available from each of the plurality of source components. Figure 9 shows a play list which contains graphical user interface (GUI) information such as navigation information and graphic elements to describe the type of files available for display. It shows an aggregated listing of A/V program data where Music, Photos, and Videos are presented separately. Therefore one of ordinary skill in the art would have been able to combine the teachings of Williams, Accarie, and Salmonsens so that the user could make selections from a dynamic menu display presented by the sink unit that provides interoperability and resource management among devices.

2. Claims 13, 19, 23.

On Page 9 of the Appeal Brief the Appellant argues that the claimed limitation of presenting to a user a filtered aggregated listing of the A/V program data available from each of the plurality of the source components based on a type of the presentation device is not taught by the cited reference, Salmonsens. Examiner respectfully disagrees and points to Figure 14 and Paragraphs 0183- 0185 of Salmonsens.

Figure 14 shows a plurality of source components such as media sources 1420, 1422, 1424, or media storage elements 1426, 1427, 1428, that are internal to the a device such as a set top box or receiver, that provide A/V media content to the selected renderer 1430, 1432, or 1434. Therefore, based on a type of the presentation device (Renderers 1430, 1432, or 1434), the sink component delivers the A/V data that is

available from a plurality of source components such as media sources 1420, 1422, 1424, or media storage elements 1426, 1427, 1428, in an aggregated listing format as shown in the playlist of Figure 9.

3. Claim 29.

Claim 29 discloses a filtering criterion that filters only those A/V program data presentable by the types of the plurality of the presentation devices but not the A/V program data that are not presentable by the types of the plural presentation devices. This filtering criterion is taught by Williams in Column 17 lines 39-65. Williams teaches a filtering mechanism that filters out certain channels that are not presentable on the display device. In Col. 18 lines 19-25, an example is shown involving the implementation of the filtering mechanism where a parent can control what channels can be viewed on any particular television set. The channel server is going to filter out the "allowed" channels that are presentable on the selected television set. Therefore the filtering criterion taught by Williams meets the claimed limitation of Claim 29.

4. Claims 31, 32.

Claims 31 and 32 are similar to Claim 29 and are therefore rejected in the same manner as stated above.

5. Claim 34.

Independent Claims 34 is similar to Claim 1 and is therefore rejected in the same manner as stated above.

Ground of Rejection B

On Page 13 of the Appeal Brief the Appellant argues that Claim 35 recites a decoder, where the processor is able to determine if the decoder is able to decode the A/V program data from the plurality of source components. Hunter teaches this limitation in Paragraph 0065 where it is disclosed that the decoder 82 looks for headers in the data stream indicating movie or other contents that have been pre-selected for recording and decodes that data. If the header suggests an A/V content that is not selected, the decoder will not decode the data stream thereby restricting the decoder's ability to decode certain A/V data.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Sahar A Baig/

Examiner, Art Unit 2424

Art Unit: 2424

Conferees:

/Christopher Kelley/

Supervisory Patent Examiner, Art Unit 2424

/Christopher Grant/

QAS, TC2400